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ANDREW BAHMANYAR

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DANIEL KEATING-TRAYNOR on  
behalf of himself and all others similarly  
situated,

Plaintiffs,

v.

AC SQUARE, INC.; COMCAST, INC.;  
AFSHIN GHANEH; ANDREW  
BAHMANYAR; and DOES 1 THROUGH  
60, inclusive,

Defendants.

Case No. CV-08-3035-EDL

**[CALIFORNIA ACTION NO. CIV 464144  
(CONSOLIDATED BY ORDER OF  
COURT WITH CIV 473571)]**

**[PROPOSED] ORDER GRANTING  
DEFENDANT ANDREW BAHMANYAR'S  
MOTION TO DISMISS**

**Date: August 19, 2008  
Time: 9:30 a.m.  
Dept: Courtroom E, 15<sup>th</sup> Floor  
Judge: Honorable Magistrate Judge  
Elizabeth D. Laporte**

Defendant Andrew Bahmanyar's Motion to Dismiss Plaintiff's first, second, third, fourth and fifth causes of action from Plaintiff's Complaint, action number CV-08-3025-EDL came on regularly for hearing before this Court on August 19, 2008. Ronald A. Peters, Esq. appeared as attorney for defendant, Andrew Bahmanyar. Daniel Berko appeared as attorney for plaintiff, Daniel Keating-Traynor. After considering the moving papers, the papers submitted in opposition to the motion, the papers submitted in reply to the opposition, arguments of counsel and all other matters presented to the Court, IT IS HEREBY ORDERED THAT, the motion is GRANTED. Plaintiff's first cause of action for "Conspiracy to Violate Business and Professions Code § 17200" is dismissed as it fails to state facts sufficient to constitute a cause of action against Andrew

1 Bahmanyar; Plaintiff's second cause of action for "Violation of Fair Labor Standard Act" is  
2 dismissed as it fails to state facts sufficient to constitute a cause of action against defendant Andrew  
3 Bahmanyar; Plaintiff's third cause of action for "Conspiracy to Violate the Fair Labor Standard Act"  
4 is dismissed as it fails to state facts sufficient to constitute a cause of action against defendant  
5 Andrew Bahmanyar; Plaintiff's fourth cause of action for "Failure to Pay Monies Due at  
6 Termination of Employment" is dismissed as it fails to state facts sufficient to constitute a cause of  
7 action against defendant Andrew Bahmanyar; Plaintiff's fifth cause of action for "Conspiracy to  
8 Violate [California] Labor Code Section 558" is dismissed as it fails to state facts sufficient to  
9 constitute a cause of action against defendant Andrew Bahmanyar.

10 Dated: \_\_\_\_\_

11 \_\_\_\_\_  
12 Honorable Magistrate Judge Elizabeth D. Laporte

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